

1 DANIEL G. BOGDEN  
2 United States Attorney  
3 CRISTINA D. SILVA  
4 Assistant United States Attorney  
5 333 Las Vegas Blvd. South, Suite 5000  
Las Vegas, Nevada 89101  
PHONE: (702) 388-6336  
FAX: (702) 388-6418

6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
8 -0Oo-

9 UNITED STATES OF AMERICA,  
10 Plaintiff,  
11 vs.  
12 JASON ANDRE,  
13 Defendant.

2:11-cr-00374-JCM-CWH

**UNOPPOSED MOTION FOR LEAVE  
OF COURT TO PRODUCE  
DISCOVERY UNDER  
SEAL IN THE STATE OF NEVADA  
AND FOR ISSUANCE OF A  
PROTECTIVE ORDER**

14 COMES NOW the United States of America, by and through DANIEL G. BOGDEN, United  
15 States Attorney, and Cristina D. Silva, Assistant United States Attorney, and hereby requests that  
16 this Court enter an order allowing the Government to produce a search warrant that is currently  
17 under seal in the State of Nevada. The Government is also seeking a protective order to limit  
18 disclosure of the sealed search warrant. The unopposed motion is based on the following:

19 1. On October 11, 2011, the Defendant, Jason Andre, was charged in a four count  
20 indictment, charging him with one count of *Felon in Possession of a Firearm*, in violation of Title  
21 18, United States Code, Sections 922(g)(1) and 924(a)(2), one count of *Possession of a Silencer*, in  
22 violation of Title 26, United States Code, Sections 5861(d) and 5871, one count of *Possession of*  
*Marijuana with Intent to Distribute*, in violation of Title 21, United States Code, Sections 841(a)(1)  
23 and (b)(1)(c), and one count of *Possession of Psilocybin with Intent to Distribute*, in violation of  
24

1 Title 21, United States Code, Sections 841(a)(1) and (b)(1)(c).

2       2. On March 12, 2012, counsel for both parties filed a motion to designate the case as  
3 complex for discovery purposes. Doc. #17. The motion was granted by the Honorable James C.  
4 Mahan on April 18, 2012. Doc. #21.

5       3. Since designating the case as complex, both parties have been working to  
6 expeditiously resolve the case. It was determined that a search warrant, which is relevant and  
7 directly related to this case, had not been provided in discovery because it remains under seal in the  
8 State of Nevada. The search warrant needs to be turned over as soon as possible in order for the  
9 Government to comply with its on-going discovery obligations under Rule 16 of the Federal Rules  
10 of Criminal Procedure.

11       4. Further, providing the search warrant will likely assist both parties to potential  
12 resolve the case, and they are engaged in on-going plea negotiations.

13       5. Because the search warrant remains under seal, the Government is also seeking a  
14 protective order to limit disclosure of the State of Nevada search warrant. The Protective Order is  
15 necessary in order for the Government to comply with its discovery obligations pursuant to Rule 16,  
16 and well as to maintain the confidentiality of the sealed search warrant. As a result, the Government  
17 seeks to limit disclosure of the sealed State of Nevada search warrant (hereinafter the “Protected  
18 Document”) to the following individuals: the defendant, the attorney for the defendant, and any  
19 personnel that the attorney for the defendant considers necessary to assist in performing that  
20 attorney’s duties in the defense of this case, including investigators, paralegals, experts, support staff  
21 and any other individuals specifically authorized by the Court (collectively, the “Covered  
22 Individuals”).

23       6. Without leave of Court, the Covered Individuals shall not:

24           a. make copies for, or allow copies of any kind to be made by any other person

of Protected Document;

b. allow any other person to read Protected Documents; and

c. use Protected Documents for any other purpose other than preparing to defend against the charges in the Indictment or any future superseding indictment arising out of this case.

7. Nothing in this stipulation is intended to restrict the parties' use or introduction of the Protected Documents as evidence at trial.

8. The parties shall inform any person to whom disclosure may be made pursuant to this order of the existence and terms of this Court's order.

9. Upon conclusion of this action, defendants' attorneys shall return to the United States, or destroy and certify to government counsel the destruction of the Protected Documents, within a reasonable time, not to exceed thirty days after the last appeal is final.

10. The defendant and his counsel do not oppose issuance of the Protective Order.

Based on the above and foregoing, the Government respectfully requests that this Court enter an order granting leave of court for the Government to produce a copy of the sealed State of Nevada search warrant to defense counsel in the instant case. Further, the Government respectfully requests that Court issue a protective order on the sealed search warrant to limit disclosure of Protected Document to the above included Covered Individuals.

Date: 7<sup>th</sup> date of September, 2012.

Respectfully submitted,

DANIEL G. BOGDEN  
United States Attorney

---

//s//  
CRISTINA D. SILVA  
Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

-00-

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
JASON ANDRE,  
Defendant.

2:11-cr-00374-JCM-CWH

## ORDER

JASON ANDRE,

Defendant.

Based on information provided in Government's MOTION FOR LEAVE OF COURT TO PRODUCE DISCOVERY UNDER SEAL IN THE STATE OF NEVADA AND FOR ISSUANCE OF A PROTECTIVE ORDER, the Court hereby:

1. GRANTS the Government's motion for leave of court to produce a copy of the sealed State of Nevada search warrant to defense counsel. Father, the Court GRANT'S Government's Motion for Issuance of a Protective Order for the sealed Search Warrant. The Government shall have days to produce the search warrant to the Defendant and his counsel.

DATED this 7th day of SEPTEMBER, 2012.

HONORABLE CARL W. HOFFMAN  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

I, Cristina D. Silva, certify that the following individual was served with a copy of the  
GOVERNMENT'S MOTION FOR LEAVE OF COURT TO PRODUCE DISCOVERY UNDER  
SEAL IN THE STATE OF NEVADA AND FOR ISSUANCE OF A PROTECTIVE ORDER on  
this date by the below identified method of service:

Electronic Case Filing  
Kevin Leik, Esq.  
Melinda Weaver, Esq.  
Patti, Sgro & Lewis  
Counsel for Defendant JASON ANDRE  
720 South Third Street  
3<sup>rd</sup> Floor  
Las Vegas, NV 89101

DATED: September 7, 2012

---

//s//  
CRISTINA D. SILVA  
Assistant United States Attorney